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SUBJECT: KOSOVO: DAS STUART JONES DISCUSSES PRACTICAL  
ISSUES WITH KOSOVO AND INTERNATIONAL LEADERS

Classified By: Ambassador Tina S. Kaidanow for Reasons 1.4 (b), (d).

¶1. (C) SUMMARY: EUR/SCE DAS Stuart Jones visited Kosovo January 12-13, and discussed events since the European Union's rule-of-law mission, EULEX, started its operations on December 9, 2008. In meetings with President Sejdiu, Prime Minister Thaci, Foreign Minister Hyseni, EULEX Chief de Kermabon, Serb community leaders, UNMIK SRSG Zannier, and ICR/EUSR Pieter Feith, among others, DAS Jones explored avenues for improving international cooperation and coordination, and pursuing an EU-led dialogue on a technical level with Serbia and Pristina that will allow Kosovo to move forward. Unresolved issues within EULEX's domain--police, customs, and justice in Serb-majority north Kosovo--were central to the discussions. END SUMMARY

PRESIDENT AND PRIME MINISTER EXTEND THANKS TO THE UNITED STATES

¶2. (C) EUR/SCE DAS Stuart Jones met President Fatmir Sejdiu and Prime Minister Hashim Thaci together on January 13 in the President's office. Sejdiu and Thaci extended their appreciation to the United States, particularly for the role that A/S Fried played in paving the way for the European Union's rule-of-law mission, EULEX, to deploy throughout all of Kosovo, and they expressed their confidence that the new U.S. administration would remain Kosovo's closest friend.

¶3. (C) Both Sejdiu and Thaci said that Kosovo is willing to discuss outstanding technical issues on police, justice and customs, but not within the framework of an ongoing "six-point" oriented dialogue, and not under the rubric of the UN under any circumstances. Thaci noted that he recognized the government of Serbia has legitimate interests regarding Serbs living in Kosovo but said that Kosovo every day endures provocations that violate its sovereignty. The President and Prime Minister pointed to the importance of ensuring that EULEX quickly reaches full operational capacity and expands its authority in northern Kosovo. Thaci observed that EULEX is still not fully deployed, and noted with particular concern that smuggling continues in the north with EULEX monitors present and not acting in response to violations. He said that Kosovo will work fully with EULEX, but argued that the EU continues to favor Serbia at Kosovo's expense and that Brussels would be better served by tying Serbia's EU future at least in part to its relationship with

Kosovo.

¶4. (C) DAS Jones agreed with Sejdiu and Thaci that EULEX cannot rest on its laurels, but needs to take an increasingly active role on rule of law issues in Kosovo. He added that EULEX may, under its formal mandate, be a status neutral and "technical" mission, but its impact should not be status neutral and it had to support Kosovo's institutions and combat partition. Jones told Sejdiu and Thaci that the United States would work in Brussels and with EULEX in Kosovo to press for greater engagement on the political level, since inevitably the unresolved issues of customs and justice would be embroiled in the political realm.

#### MINISTER OF FOREIGN AFFAIRS REVIEWS EFFORTS

¶5. (C) FM Skender Hyseni and Deputy FM Vlora Citaku reviewed Kosovo's foreign affairs activities, including progress on the institutional build-up of the fledgling MFA (via a USAID assistance project), a continuing campaign to generate more recognitions of Kosovo's independence, and focused efforts to develop Kosovo's brief for the International Court of Justice. Hyseni said the MFA is diligent in its effort to generate more recognitions and pointed to a January 19 trip to Qatar as an example of progress. (NOTE: The Qatar trip was later canceled by Doha due to a scheduling conflict for Qatar's MFA. END NOTE.) The Foreign Minister admitted, however, that efforts to obtain more recognitions from Arab states are not going well, and said he had recently learned that meetings he had requested with Jordan's MFA had been politely but firmly put off.

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¶6. (C) Jones and Hyseni discussed plans for marking the first anniversary of Kosovo's independence, and Jones encouraged Kosovo to use the opportunity to expand its information campaign within Europe, saying it is important to win support from the entire European community, including the five non-recognizing EU states. Hyseni said that Kosovo is developing plans for media buys in major European markets that would introduce people to Kosovo's successes in its first year as a new state. Hyseni noted that he had long been trying to get meetings with Kouchner in Paris and had not been to Berlin in many months in spite of efforts to schedule visits.

#### EULEX: OUR MISSION IS A TECHNICAL ONE

¶7. (C) EULEX Chief Yves de Kermabon told DAS Jones that EULEX is making good progress in establishing its mission. EULEX faces some logistical hurdles as it consolidates its deployment, he went on, and the mission still needs a couple of more months to get up to full speed. Reflecting on the outbreaks of violence in Mitrovica on December 30 and January 2, de Kermabon blamed smuggling and organized crime that, in his opinion, exploited ethnic tensions. De Kermabon and his chief of staff, Frederic Mathieu, praised their coordination with the Kosovo government, pointing to de Kermabon's monthly meeting with President Sejdiu and Prime Minister Thaci, and Mathieu added that de Kermabon, at KFOR's behest, will also begin participating in regular Security Steering Committee meetings that include President Sejdiu, PM Thaci, Deputy PM Kuci, Deputy PM Manaj, FM Hyseni, COMKFOR LTG Gay, and Deputy International Civilian Representative Fletcher Burton.

¶8. (C) Looking ahead, de Kermabon said that EULEX will need political guidance as it tackles thorny issues such as applicable law and customs in the Serb-majority north. He said that right now EULEX can only address these issues from a technical perspective if the mission is to be accepted by both Albanian and Serb communities, but conceded that EULEX cannot remain status neutral indefinitely, and knew that there will be political considerations that affect his mission. He reiterated strongly, however, his desire to keep the mission on a "technical" footing and avoid direct

engagement in political negotiations with Belgrade on outstanding issues, preferring to leave such discussions to the EU Special Representative's office to be established in Belgrade shortly, with technical advice and assistance from EULEX.

¶9. (C) Jones told de Kermabon that discussion of status neutrality obscures the fact that EULEX confronts political issues, such as customs and revenue collection, and that it is critical to acknowledge that EULEX is more than just a technical mission. Jones outlined the importance of ensuring that the international community is fully coordinated on the outstanding issues unresolved between Belgrade and Pristina and noted it was imperative the EU take the leading role in establishing a dialogue with the two capitals. He pointed out that the EU cannot simply invoke the United States to win Kosovo's support on vital issues, as had been the case throughout much of the "Six Points" discussions.

UNMIK: DISENGAGING

¶10. (C) Special Representative of the UN Secretary General (SRSG) Lamberto Zannier informed DAS Jones that UNMIK is proceeding with the reconfiguration of its presence, and said he sees a severely reduced political role for UNMIK now that the Secretary General has delivered his report. Serbia, he said, still is insisting that it wants full implementation of the "six points" under a UN framework, but he is not pushing for any follow-up to the six-points discussion, and has no plans to visit Belgrade. Zannier added that DPKO in New York had also relayed a message of disengagement to Belgrade, citing the UN's refusal to respond to a letter on the subject from President Tadic and asserting that he was under no pressure from New York to push issues with the GOK.

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¶11. (C) Zannier said that UNMIK was downsizing significantly and moving towards a target of approximately 40 substantive staff out of a total of perhaps 100 personnel. He expressed concern that this reconfiguration might create a vacuum in north Mitrovica that Serbia would fill as UNMIK withdraws. Zannier also said that reduced staff would mean that UNMIK would be less able to provide a fig leaf for Kosovo participation in international fora.

¶12. (C) Jones told Zannier that he would urge Brussels to get EULEX to fill this vacuum as fully as possible, particularly in the area of rule of law, and take a more active role on critical issues. Jones noted that Zannier could usefully utilize his position and prestige to press the same points with the EU in Brussels. Zannier said that his contact with the EU is generally confined to Pristina, but he said he would follow a discussion with de Kermabon on UNMIK's reconfiguration with a call to Brussels if necessary.

KOSOVO SERBS UNHAPPY WITH BELGRADE'S STANCE TOWARDS THE ENCLAVES

¶13. (C) DAS Jones met with three Serb representatives from enclave communities in southern Kosovo: Rada Trajkovic, President of the Serbian National Congress (SNC) in central Kosovo; Randjel Nojkic, former Kosovo MP and member of the SNC; and Vesna Jovanovic, member of the Gjilan/Gnjilane parallel assembly. Each, with varying degrees of stridency, expressed disappointment at President Tadic's scant attention to Serbs south of the Ibar River. Trajkovic and Nojkic, both from the central Kosovo enclave of Gracanica, asserted baldly that their future--and their community's future--lay within Kosovo institutions. Jovanovic was more guarded, noting that participation in Kosovo institutions is difficult for Serbs; she argued it was important to find a "third path" that does not require Serbs to recognize Kosovo's independence but allows Serb enclaves to interact with Kosovo institutions independently of Belgrade. All three, whatever the shadings of their remarks, expressed grave reservations at the

possibility of pursuing new engagement with Kosovo institutions absent some kind of approval from Belgrade. They were candid that in conversations with Serbian President Tadic (the last such meeting between southern Kosovo Serbs and Tadic took place in Belgrade in mid-December), they had received no assurances that Belgrade would demonstrate any new flexibility on these engagement issues.

¶14. (C) The lack of unity among Serbs in Kosovo and the inability to coalesce around the idea of decentralization also featured heavily in the discussion. Nojkic and Trajkovic were scathing in their denunciation of those Kosovo Serbs (read Oliver Ivanovic and Goran Bogdanovic) who claimed to represent Kosovo Serb interests in Belgrade but were in fact pushing the "Tadic line," according to them, on partition of the north. With regard to decentralization, Trajkovic and Nojkic voiced strong support, but were equally clear that it could not be pursued under the Ahtisaari banner with ICO, since both the plan and ICO were anathema to Serbs.

Nojkic also stressed the importance of having Serbs participate in Kosovo municipal elections and acknowledged that lack of participation in the last elections had disadvantaged Serbs deeply, though he also claimed that previous Kosovo Serb interaction with ethnic Albanians in Kosovo-level institutions after the 2002 elections had been fraught with problems and suffered from insufficient support from the international community. (NOTE: Cable on decentralization and views within enclave communities to follow septel. END NOTE)

PIETER FEITH: 2009 THE "YEAR OF AHTISAARI"

¶15. (C) At dinner on January 13, International Civilian Representative Pieter Feith, COSKFOR BG David Berger (U.S.), SRSG Lamberto Zannier, and EULEX Deputy Chief Roy Reeve discussed plans for 2009 with DAS Jones and Ambassador. Feith explained that he has three "themes" he will push with

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the Kosovo government in the upcoming year: reconciliation, reform, and stability. He said he would press PM Thaci for a more public commitment on Serb and minority issues focused on community rights, patrimony, and returns (reconciliation); he would advocate moving forward on key privatizations (reform); and that he would support the Kosovo government's position that national elections in were unnecessary under the Ahtisaari plan in 2009 (stability).

¶16. (C) Feith agreed with Jones that there needs to be closer coordination among the relevant international actors in Kosovo on the resolution of outstanding issues, and undertook to convene such a coordinating/information-sharing meeting within the next few days (ICO put together such a meeting on January 15, results reported to EUR/SCE). Jones asked Feith to try and develop a timeline for addressing these issues and again emphasized that high-level EU leadership with Belgrade and Pristina was necessary to push forward and avoid stasis. There was particular discussion of the north Mitrovica court, with both DAS Jones and ICR Feith emphasizing to EULEX deputy Reeve the central importance of formulating a plan for EULEX leadership on issues related to the court; Jones and Feith agreed that failure of EULEX to take over this task from UNMIK would leave an unacceptable vacuum and perpetuate UNMIK's role in an unhelpful way. Reeve maintained that EULEX would continue to consider options for the court and said he recognized its importance for EULEX's credibility.

¶17. (U) DAS Jones has cleared this message.  
KAIDANOW